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COMPLAINT OF MICHAEL E.
MOORE AGAINST C-WILLOW
WATER COMPANY

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PUBLIC UTILITY COMMISSION

1-27-19 1:58
PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

COMMISSION STAFF’S STATEMENT OF POSITION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Staff’s Statement of Position. In support thereof, Staff shows the following:

I. BACKGROUND

On February 26, 2019, Michael E. Moore (Complainant) filed a complaint against C-Willow Water Company (C-Willow) regarding water billing and related charges. The complaint was filed pursuant to 16 Texas Administrative Code (TAC) § 22.242. On March 19, 2019, C Willow filed its response to the complaint.

On February 28, 2019, the Commission administrative law judge (ALJ) issued Order No. 1, which required Staff to file a statement of position by March 27, 2019. Therefore, this pleading is timely filed.

II. COMPLIANCE WITH INFORMAL RESOLUTION REQUIREMENTS

Staff confirms that Complainant has complied with all informal resolution requirements under Commission rules. Specifically, the applicable rule in this instance is 16 TAC § 22.242(c), which states, “[a] person must present a complaint to the commission for informal resolution before presenting the complaint to the commission.” In accordance with the aforementioned rule, on September 24, 2018, Complainant filed an informal complaint with the Commission. The informal complaint is referenced in the Commission’s Customer Protection Division (CPD) records as “CP2018110366.” The CPD was unable to resolve the informal complaint, and subsequently it was closed on December 6, 2018. Pursuant to 16 TAC § 22.242(d), “[i]f the dispute has not been resolved to the complainant's satisfaction within 35 days, the complainant may present the complaint to the commission.” Therefore, Staff confirms that Complainant complied with the requirements for informal resolution.

III. JURISDICTION

In the present complaint, Mr. Moore listed the address of the premises at issue as 303 Hickory Trail, La Vernia, Texas, 78121.¹ Staff verified that the address is not located within the incorporated limits of a municipality. Therefore, the Commission has original jurisdiction over this matter, pursuant to Texas Water Code (TWC) § 13.042(e).

IV. ALLEGATIONS RAISED IN THE COMPLAINT

Complainant asserts that he was overcharged on water bills for services provided by C-Willow. Specifically, Complaint states that the gallonage usage at his new home was incorrectly recorded and thus the bills that he received were not correct.² Mr. Moore says he bought the new home on July 8, 2018.³ On October 3, 2018, C-Willow emailed Mr. Moore his first water bill in the amount of \$1,808.86, based on purported usage of 495,280 gallons of water.⁴ Mr. Moore denies that he or his wife used that much water, and further stated that the home does not have landscaping, a pool, or any leaks.⁵ On October 8, 2018, Mr. Moore paid for a plumber to inspect his water lines, including running a scope through the pipes, and no leaks were found.⁶ Mr. Moore believes that the charges are due to either a billing issue or a problem with the meter.⁷

V. C-WILLOW'S RESPONSE TO THE COMPLAINT

Order No. 1 required C Willow to file a response to the complaint no later than March 20, 2019. Specifically, the ALJ required C Willow to address (1) the Commission's jurisdiction over this proceeding; (2) allegations raised in the complaint; (3) applicable statutes, rules, orders, and tariff provisions; (4) copies of any rates or tariffs that are the subject of this complaint; and (5) any other matters relevant to the complaint.

C-Willow filed its response on March 19, 2019, and did not address jurisdiction or applicable statutes, rules, and orders. C-Willow's response did provide a portion of their tariff and a copy of its water service agreement. C-Willow believes that the bill to Mr. Moore is

¹ Complaint of Michael E. Moore against C Willow Water Company at 1 (February 26, 2019). (Complaint).

² Complaint at 1-2.

³ *Id.*

⁴ *Id.* at 1.

⁵ *Id.*

⁶ *Id.* at 11.

⁷ *Id.* at 2.

correct and identifies several facts in support.⁸ C-Willow co-owner, David Strozier, asserts that the meter was calibrated from the manufacturer. C-Willow co-owner, Sandy Strozier, stated that on August, 27, 2018,⁹ she and Mr. Strozier verified the meter reading four times.¹⁰ C-Willow believes that the bill is correct and that the usage could have been due to a leak, a running fixture (such as a toilet)¹¹ or due to the builder either using the water or leaving the water running.¹²

VI. STAFF'S STATEMENT OF POSITION

As established above, the Commission has jurisdiction over the water billing complaint in this case. Staff is still in discussions with the parties regarding the facts of this case. Staff requests an extension to May 1, 2019 to conduct discovery.

VII. CONCLUSION

Staff confirms that the requirements for informal resolution have been met and that the Commission has jurisdiction over the present formal complaint. For the reasons stated above, Staff respectfully requests an extension until May 1, 2019 to file its statement of position.

⁸ Letter to Michael Moore at 1 (March 19, 2019).

⁹ Letter to Michael Moore at 8.

¹⁰ Id. at 25.

¹¹ Id. at 1.

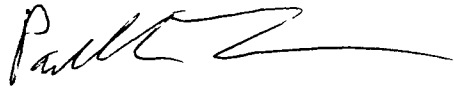
Dated: March 27, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

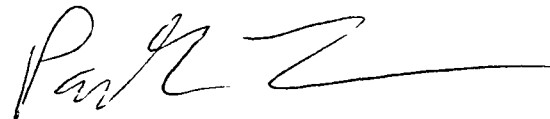


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 27, 2019 in accordance with 16 TAC § 22.74.



Patrick D. Todd

¹² Id. at 10.